

Remarks

Reconsideration and allowance in view of the foregoing amendments and the following remarks are requested. By this amendment, Applicant has amended claims 1, 5, and 6 and cancelled claims 2-4. Thus, claims 1 and 5-11 are pending in the application. No new matter has been added by the amendments. Applicant respectfully requests reconsideration of the Rejections, which are discussed below.

Claim Rejections

Claims 1, 2, 10, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 93/00267 to Ferrero ("Ferrero"). Claims 1 and 3 were rejected under 35 U.S.C. § 102(b) as being anticipated by GB 2010221 to Vacakis ("Vacakis"). Claims 1 and 4-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,551,589 to Nakamura ("Nakamura"). Claims 1 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Published Application 2002/0008106 to Bezek et al. ("Bezek").

Claim 1 has been amended to incorporate the subject matter of claims 2-4. Applicant respectfully traverses the rejection of amended claim 1 on the grounds that the cited references do not teach or suggest all of the elements of the claim 1. Amended claim 1 requires a buckle-like connection means comprising a male element integral with one of the half shells and a female element integral with the other half shell. Claim 1 further requires this same buckle-like connection means to include an articulation means which permits an opening pivoting movement of one of the half shells as well to permit a limited movement of one half-shell relative to the other. None of the cited references, either alone or in combination, disclose or suggests a single

connection means with all of the features required by amended claim 1.

Specifically, Ferrero fails to disclose a buckle-like connection comprising a male element integral with one of the half shells and a female element integral with the other half shell and does not disclose articulation means which permit an opening pivoting movement of one of the half shells as well to permit a limited movement of one half-shell relative to the other. Vacakis fails to disclose a buckle-like connection comprising a male element integral with one of the half shells and a female element integral with the other half shell. Nakamura fails to disclose articulation means which permit an opening pivoting movement of one of the half shells as well to permit a limited movement of one half-shell relative to the other. Bezek fails to disclose a buckle-like connection comprising a male element integral with one of the half shells and a female element integral with the other half shell and does not disclose articulation means which permit an opening pivoting movement of one of the half shells as well to permit a limited movement of one half-shell relative to the other.

The cited references in combination would also fail to disclose or suggest all of the features of amended claim 1. For example, the only reference which discloses an articulating means as required by claim 1 is Vacakis and the only reference disclosing a buckle-like connection comprising a male element integral with one of the half shells and a female element integral with the other half shell is Nakamura. The hinge of Vacakis allows for a slight amount of movement between the two half-shells so that the container will open freely, however it operates in a much different manner than disclosed in amended claim 1. Nakamura discloses a connection means that results in the two pieces being locked into a fixed position and would not allow for any articulation

or movement between the two half-shells. It would not be practical or feasible to combine the hinge of Vacakis with the locking mechanism of Nakamura into a single connection means as required by claim 1 without hindsight of the present invention.

Additionally, the invention described in Nakamura is a locking mechanism for a two piece electrical connection box that is intended to address problems that arise from the deformation of the pieces that occurs during resin molding. (Nakamura, Col. 1, Lines 50-59). One of ordinary skill in the art of the field of the present application would have had no reason to combine Nakamura with any of the cited references.

The subject matter of claims 2-4 has been incorporated into amended claim 1 and claims 2-4 have been cancelled rendering the rejections of these claims moot. The substance of these rejections is addressed above with respect to amended claim 1.

Claims 5-8 were rejected under 35 U.S.C. § 102(b) as being anticipated by Nakamura. Claims 5 and 6 have been amended to depend from claim 1 which is believed to be allowable for the reasons explained above. Claims 7 and 8 depend from claim 6 which depends from claim 1. Therefore, claims 5-8 are believed to be allowable as depending from an allowable base claim.

Additionally, Nakamura is cited as disclosing a guide rib as required by claim 7. However the cited portion of Nakamura (Figure 5) is a cross section of the prongs and does not show the guide rib which fits in the slot between two prongs as shown by reference number 34 of Figs. 1 and 2 of the present application and required by claim 7. Claim 7 is therefore allowable over Nakamura for this additional and independent reason.

Additionally, Nakamura is cited as disclosing a flexible tab connected to the

periphery of the mouth of one of the half-shells as required by claim 8. However the cited portion of Nakamura (which the Office Action describes as "flexible tab 3a") is the leg portion of the prong itself and not a means for facilitating opening the container as required by claim 8. In fact, in the rejection of claim 7, the exact same reference number 3a of Nakamura is correctly used to refer to the prongs of the connection. The same structure could not be used as both the prongs for attaching the half-shells and as the tab for facilitating easier opening of the container. Furthermore, the invention of Nakamura is not intended to be easily opened so there would be no reason to include a means for facilitating its opening such as the flexible tab required by claim 8. Claim 8 is therefore allowable over Nakamura for this additional and independent reason.

Claim 9 was rejected under 35 U.S.C. § 102(b) as being anticipated by Bezek. Claim 9 depends from claim 1, which is believed to be allowable for the reasons explained above. Therefore, claim 9 is allowable as depending from an allowable base claim.

Claims 10, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Ferrero. Claim 10 depends from claim 1 and claim 11 depends from claim 10. Claim 1 is believed to be allowable for the reasons explained above. Therefore, claims 10 and 11 are allowable as depending from an allowable base claim.

In view of the above amendments and remarks hereto, Applicant believes that all of the Examiner's rejections set forth in the Office Action been fully overcome and that the present claims fully satisfy the patent statutes. Applicant, therefore, believes that the application is in condition for allowance. The Director is authorized to charge any fees or overpayment to Deposit Account No. 02-2135.

The Examiner is invited to telephone the undersigned if it is deemed to expedite allowance of the application.

Respectfully submitted,

By: 

Ryan P. Wallace
Registration No. 60,212
Attorney for Applicant
ROTHWELL, FIGG, ERNST & MANBECK
1425 K. Street, Suite 800
Washington, D.C. 20005
Telephone: (202) 783-6040